

**IN THE COURT OF APPEALS
FOR THE NINTH CIRCUIT
OF THE UNITED STATES**

WELL FARGO BANK, NATIONAL ASSOCIATION
AS TRUSTEE FOR BEARSTEARNS ASSET BACKED SECURITIES TRUST 2006-AR1,
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-AR1,
Plaintiff-Respondent,

v.

CHARLES BARKER III
Defendant-Appellant.

v.

WELLS FARGO BANK, BEAR STEARNS, INC.; JP MORGAN CHASE BANK;
GREENPOINT MORTGAGE; UNKNOWN SUCCESSOR TO GREENPOINT MORTGAGE;
EMC MORTGAGE; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS (MERS);
FEDERAL RESERVE BANK; FEDERAL DEPOSIT INSURANCE CORP. (FDIC);
THE UNITED STATES DEPARTMENT OF THE TREASURY;
The LAW OFFICES OF McCARTHY & HOLTHUS, LLP,
and Roes 1-20

NOTICE OF INTENT TO FILE APPEAL

OR, IN THE ALTERNATIVE

PETITION FOR A WRIT OF MANDAMUS

ON APPEAL FROM THE ORDER DATED September 12, 2016
issued and signed by the Hon. Michael W. Mosman,
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION
Case Number **3:16-CV-01348-MO**

1.

Defendant-Appellant Charles Barker III hereby gives Notice of Intent to File Appeal from the Order issued on September 12, 2016, made in the UNITED STATES DISTRICT COURT, FOR THE DISTRICT OF OREGON, PORTLAND DIVISION, Case Number 3:16-CV-01348-MO or, in the alternative, Petition for a Writ of Mandamus directing the reversal of said District Court Order of Remand.

2.

The parties to this appeal are:

Appellant:

CHARLES BARKER III
1548 SE 30TH Avenue, Portland, Oregon 97214
mortgagerecon@gmail.com

- WELLS FARGO BANK, N.A;
 - BEAR STEARNS, INC.;
 - JP MORGAN CHASE BANK;
 - GREENPOINT MORTGAGE;
 - UNKNOWN SUCCESSOR TO GREENPOINT MORTGAGE;
 - EMC MORTGAGE;
 - MORTGAGE ELECTRONIC REGISTRATION SYSTEMS (MERS);
 - The FEDERAL RESERVE BANK;
 - The FEDERAL DEPOSIT INSURANCE CORP. (FDIC);
 - THE UNITED STATES DEPARTMENT OF THE TREASURY;
 - The LAW OFFICES OF McCARTHY & HOLTHUS, LLP,
- and Roes 1-20

3.

The names and email addresses of the parties (or their attorneys if they are represented by counsel) [bar numbers, addresses, and telephone numbers will be provided at filing of the Notice of Appeal or Petition for Writ of Mandamus] are as follows:

APPELLANT:

Charles Barker III
Appellant in Pro Se
1548 SE 30th Avenue
Portland, Oregon 97214
mortgagerecon@gmail.com
Tel: 503-860-3633

ATTORNEY FOR RESPONDENT(S):

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Timothy M. Cunningham
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4.

DESIGNATION OF RECORD

Appellant designates the record in its entirety, including the trial court file, all pleadings and exhibits [no oral proceedings have yet occurred].

5.

Appellant intends to rely upon the following points:

The trial court has erred, and there is good cause, proper legal foundation, and specific circumstances of the subject matters, codified exceptions to the normative practice of remand orders being non-appealable, and additionally the alternative of a Petition for a Writ of Mandamus to correct the errors of the trial court, which will be completely set forth at the time of the filing, in the Notice of Appeal or the Petition for a Writ of Mandamus.

6.

The Notice of Appeal will be filed on or before 30 days from September 12, 2016, and will thus be timely and otherwise properly filed before the Court of Appeals because:

The Order from which appeal is to be taken was signed on September 12, 2016 and published and circulated by the District Court on September 14, 2016.

7.

Attached to this Notice of Intent is a copy of the Order being appealed.

DATE: September 14, 2016

SIGNATURE: _____

Charles Barker III
Defendant / Appellant in Pro Se

CERTIFICATE OF FILING

I certify that on September 14, 2016, I submitted for filing with the State Court
this Notice of Intent to Appeal:

Clackamas County Court
In Re: Case No. **16-CV-07951**
by the following method of filing:
☐ OJD efile & Serve system

CERTIFICATE OF SERVICE

I certify that on September 14, 2016, I served a true copy of the Notice of Intent to Appeal
to the following parties or their attorneys set forth below:

☐ **RESPONDENTS:**

Casey C. Pence, cpence@mccarthyholthus.com
Frederick B. Burnside, fedburnside@dwt.com
danielanajera@dwt.com, seadocket@dwt.com
Lisa Bass, lisabass@dwt.com
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Robert C. Dougherty, robd@rcdlegal.com
Timothy M. Cunningham, timcunningham@dwt.com
marleadolson@dwt.com

by the following method of filing:
☐ electronic mail, via the CM/ECF system.

DATE: September 14, 2016

SIGNATURE: s/Charles Barker III/
Defendant / Appellant